



Council Agenda Report

To: Mayor Kearsley and the Honorable Members of the City Council

Prepared by: Lisa Pope, City Clerk *L. Pope*

Approved by: Christi Hogin, City Attorney *CH*

Date prepared: July 17, 2003

Meeting date: July 22, 2003

Subject: November 4, 2003 Special Municipal Election Regarding the Malibu Bay Company Development Agreement

RECOMMENDED ACTION: 1) Adopt Resolution No. 03-43 calling and giving notice of the holding of the special municipal election to be held on Tuesday, November 4, 2003, for the submission to the qualified voters a proposed ordinance; 2) Adopt Resolution No. 03-44, requesting the Board of Supervisors of the County of Los Angeles to consolidate a special municipal election to be held on November 4, 2003, with the statewide general election to be held on the date pursuant to Section 10402 of the Elections Code; 3) adopt Resolution No. 03-45 providing for the filing of rebuttal arguments for City measures submitted at municipal elections; and 4) adopt Resolution No. 03-46 setting priorities for filing written arguments regarding a city measure and directing the City Attorney to prepare an impartial analysis.

FISCAL IMPACT: There is no fiscal impact association with adoption of the resolutions, but the November 4, 2003 Special Municipal Election is anticipated to cost \$35,000.

DISCUSSION: Staff has prepared the appropriate resolutions necessary for adoption by the Council in order to conduct a special election on November 4, 2003.

Resolution No. 03-43 calls the election and sets the date at Tuesday, November 4, 2003 for the purpose of submitting the proposed ordinance approving the Malibu Bay Company Development Agreement to the voters. Malibu Municipal Code Section 17.64.080 requires that approval by the Council of a development agreement shall be by ordinance. Any ordinance approving a development agreement concerning real property located in the city (whether a single parcel or multiple parcels) which is more than thirty (30) acres in size and to be developed with a commercial or commercial/residential project shall be both approved by the City Council and thereafter submitted to the voters

of the City in accordance with California Elections Code Section 9222, and approval of both the City Council and the voters shall be condition precedent to the effectiveness of any such development agreement.

Resolution No. 03-44 requests the Board of Supervisors of the County of Los Angeles consolidate the City of Malibu special election with the statewide general election to be held on November 4, 2003.

Resolution No. 03-45 provides for filing of rebuttal arguments.

Resolution No. 03-46 provides for filing of arguments and directs the City Attorney to prepare an impartial analysis.

On May 19, 2003, the Planning Commission adopted Resolution No. 03-07, as amended, recommending denial of the Malibu Bay Company Development Agreement and all associated General Plan Amendments, Zone Map Amendments, Zone Text Amendments, Plot Plan Reviews, Site Plan Reviews, Minor Modifications, Vesting Tentative Tract Maps, and Variances. The Malibu Bay Company filed a timely appeal of the Planning Commission's decision on May 21, 2003.

The City Council conducted public hearings, suggested modifications to the development agreement and requested the Planning Commission provide a recommendation with respect to the modified portions of the development agreement.

The Planning Commission met on July 21, 2003, and the Council considered its recommendations on the development agreement modifications.

If the Council determines to certify the Environmental Impact Report, the modified proposed development agreement (including the Planning Commission's recommendations) and wishes to submit the ordinance approving the development agreement to the voters on November 4, 2003, it should adopt Resolution Nos. 03-43, 03-44, 03-45 and 03-46.

The following provides important deadlines related to a November 4, 2003 special municipal election for the purpose of submitting to the voters an ordinance approving the Malibu Bay Company Development Agreement:

City Deadline	County Deadline	Event
July 22, 2003 Special City Council meeting	Not Applicable	Consideration of necessary actions to place this matter on the November 4, 2003 ballot.
July 28, 2003 Regular City Council meeting	Not Applicable	Final consideration of resolutions and ordinance to place this matter on the November 4, 2003 ballot.
July 28, 2003 Regular City Council meeting	August 8, 2003	Last day for local jurisdictions to file a resolution with the County Board of Supervisors requesting consolidation with the election (Resolution No. 03-44).
August 11, 2003 Regular City Council meeting	August 13, 2003	Last day for county elections official to receive a resolution from the City requesting to withdraw or amend a measure previously submitted for placement on the ballot.
August 13, 2003	August 18, 2003	Last day to submit arguments for or against measure. Arguments may not exceed 300 words in length.
August 25, 2003	August 29, 2003	Last day to submit rebuttal arguments. Rebuttals may not exceed 250 words in length.

City Deadline	County Deadline	Event
October 6 – October 28, 2003	October 6 – October 28, 2003	Absent Voter Application period
October 20, 2003	October 20, 2003	Last day to transfer or register to vote in the election.
November 4, 2003	November 4, 2003	ELECTION DAY

ALTERNATIVES: If the City Council determines not to approve the Malibu Bay Company Development Agreement or not to submit the matter to the voters at the November 2003 election, it should take no action on the resolutions.

STAFF FOLLOW-UP: Staff will forward Resolution No. 03-44 to the Los Angeles County Board of Supervisors and County elections official requesting consolidation with the statewide election and conduct all other necessary activities related to the November 4, 2003 Special Municipal Election.

ATTACHMENTS:

- 1) Resolution No. 03-43 calling and giving notice of the holding of the special municipal election to be held on Tuesday, November 4, 2003, for the submission to the qualified voters a proposed ordinance
- 2) Resolution No. 03-44, requesting the Board of Supervisors of the County of Los Angeles to consolidate a special municipal election to be held on November 4, 2003, with the statewide general election to be held on the date pursuant to Section 10402 of the Elections Code
- 3) Resolution No. 03-45 providing for the filing of rebuttal arguments for City measures submitted at municipal elections
- 4) Resolution No. 03-46 setting priorities for filing written arguments regarding a city measure and directing the City Attorney to prepare an impartial analysis